

Message Text

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ORIGIN L-02

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DRAFTED BY L/M:CLBLAKESLEY:AD

APPROVED BY L/M:KEMALMBORG

JUSTICE - M. STEIN (INFO)

----- 092113

R 172046Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY BONN

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E.O. 11652: N/A

TAGS: CPRS, PFOR, GM

SUBJECT: EXTRADITION - HASENBECK, MATERNE, GRABE

1. JUSTICE HAS BEEN ADVISED BY INTERPOL THAT FRG PROSECUTORS HAVE DECIDED TO WITHDRAW THEIR EFFORTS TO EXTRADITE THE ABOVE-NAMED GERMAN CITIZENS WHO ARE CHARGED WITH MURDER, BECAUSE DOCUMENTS COULD NOT BE SUPPLIED TO USG WITHIN TWO MONTHS. AS EMBASSY AWARE, THE TWO MONTH PERIOD RELATES TO THE TIME PERIOD WITHIN WHICH A PROVISIONAL ARREST MUST BE PERFECTED. AS PROVISIONAL ARREST NOT NOW REQUIRED, NOR NEEDED IN FORESEEABLE FUTURE, DOCUMENTS COULD BE PREPARED IN NORMAL COURSE OF BUSINESS.

2. FRG EMBASSY IN WASHINGTON HAS ADVISED THAT THERE ARE ADDITIONAL REASONS FOR WHICH PROSECUTORS DO NOT WANT TO CONTINUE SEEKING EXTRADITION. IT APPEARS THAT FRG DOES NOT WANT TO GO THROUGH EXPENSE OF GATHERING EVIDENCE, TRANSLATING IT ETC.

3. PERHAPS FRG PROSECUTOR ASSUMING FUGITIVES WILL BE DEPORTED AT ANY RATE. EMBASSY SHOULD EXPLAIN TO PROSECUTORS THAT IF FUGITIVES WERE ARRESTED FOR DEPORTATION, THEY WOULD MOST LIKELY BE RELEASED ON BAIL. PROCESS OF DEPORTATION VERY LENGTHY WHEN FOUGHT AND PROSPECTS OF SUBJECTS FLEEING

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APPARENTLY HIGH. FURTHERMORE, IF FOUND DEPORTABLE,

SUBJECTS WOULD NOT UNDER U.S. LAW NECESSARILY BE SENT TO

GERMANY. THEREFORE, DEPORTATION ROUTE FROUGHT WITH PROBLEMS.

4. EMBASSY MAY WISH TO APPROACH PROSECUTORS HANDLING CASE TO BE SURE THEY AWARE OF PROBLEMS AND TO SEE IF JUSTICE DEPARTMENT HAS BEEN ADVISED CORRECTLY BY INTERPOL. DO NOT OF COURSE LEAVE IMPRESSION THAT USG IS TRYING TO PRESSURE FRG INTO GOING FORWARD WITH EXTRADITION REGARDLESS OF PROSECUTORIAL CONSIDERATIONS. KISSINGER

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